THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

Company Application No.1563 of 2011
In
Company Application No.833 of 2004
In
Company Petition No.173 of 2001

Date:28th September, 2011

Between:

M/s. Monarch Finlease Limited (in liquidation),
Rep. by the Official Liquidator,
High Court of A.P., Hyderabad.

…Applicant

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ORDER:

This Company Application has been taken out under Sections 38 to 40 CPC r/w. Order XXI, Rules 5 & 6 CPC and Rule 9 of the Companies (Court) Rules, 1959, by the Official Liquidator representing M/s. Monarch Finlease Limited (in liquidation), seeking a direction to the Registry to send the decree, dated 13.08.2004, passed in Company Application No.833 of 2004 in Company Petition No.173 of 2001 to the District Court, at Davangere, Karnataka State, for execution along with the certificate of transfer in accordance with Order XXI, Rules 5 and 6 CPC.

2. This Court, by order, dated 12.02.2002, passed in Company Petition No.173 of 2001, directed for winding up of M/s.Monarch Finlease Limited (in liquidation) and appointed the Official Liquidator attached to this Court as its liquidator. The Official Liquidator representing the Company (in liquidation) filed Company Application No.833 of 2004 seeking a decree against S.K.Prahlada and another, for recovery of Rs.10,930/- along with interest @ 18% p.a. w.e.f. 24.07.2001 till the date of realization. The said application came to be allowed on 13.08.2004. Since the judgment debtors reside within the jurisdiction of the District Court, at Davangere, Karnataka State, the instant application has been moved seeking transfer of the said decree.

3. Herd learned counsel appearing for the Official Liquidator and perused the material brought on record.

4. The judgment debtors stated to be residing within the jurisdiction of the District Court, Davangere, Karnataka State.

5. In that view of the matter, the Company Application is ordered directing the Registry to send the decree, dated 13.08.2004, passed in Company Application No.833 of 2004 in Company Petition No.173 of 2001 to the District Court, at Davangere, Karnataka State, for execution along with the certificate of transfer in accordance with Order XXI, Rules 5 and 6 CPC. No costs.

B.SESHASAYANA REDDY, J.

Date:28th September, 2011.
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